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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,382	01/26/2001	Toshiyuki Takao	FF-0126US	5768
21254	7590	10/15/2004		
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
			EXAMINER PHAM, THIERRY L	
			ART UNIT 2624	PAPER NUMBER 2

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,382

Applicant(s)

TAKAO ET AL.

Examiner

Thierry L Pham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/26/01</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 1/26/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because applicants fail to provide documents and its proper English translation. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 9-17, 19-21, 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Blumberg et al (US 2003/0140315).

Regarding claim 1, Blumberg discloses a product production system (print production system, fig. 3) for producing a product ordered by a customer, wherein the product comprises an output image for outputting image data received from the customer to another medium, the product production system comprising:

- (1) a first terminal having (client computer, pars. 45-61): an image data input unit (input via client computer, pars. 45-61) for inputting the image data; an order information input unit (input image information and finishing options via client computer, pars. 45-61 and pars. 73-83, fig. 6) for inputting order information to designate order contents of the product; and an identification information input unit (client computer includes an input unit for inputting tracking order generated by the server, pars. 116-118) for inputting identification information to identify said order contents; an image data storing unit (client computer includes a storage memory for storing tracking order generated by the server, pars. 116-118) for storing the image data by associating with said identification information; an order information storing unit (image server, par. 137-138) for storing order information by associating with said identification information;
- (2) a second terminal (service provider for generating and inputting tracking order number, pars. 116-118 and 141-154) for inputting said identification information as information to be used for authenticating said order information; and
- (3) a production unit (production center, fig. 3) for producing the product designated in said order information after receiving said authenticated order information and the image data.

Regarding claim 2, Blumberg further discloses the product production system as claimed in claim 1, wherein said second terminal has an access right to authenticate (document manager for managing access to print order requests, par. 134-135) said order information for at least one of said image data storing unit and said order information storing unit.

Regarding claim 9, Blumberg further discloses the product production system as claimed in claim 1, wherein said first terminal is placed at a remote place (remote location, fig. 3) that is at a distant location from said order information storing unit and is connected to said order information storing unit through a communication network.

Regarding claim 10, Blumberg further discloses the product production system as claimed in claim 1, wherein said first terminal is connected to said order information storing unit through the Internet (Internet, fig. 3).

Regarding claim 11, Blumberg further discloses the product production system as claimed in claim 1, wherein said second terminal displays (fig. 1 and fig. 6) the contents of said order information.

Regarding claim 12, Blumberg further discloses the product production system as claimed in claim 1, wherein said image data storing unit sends the image data and has a means for instructing said first terminal to display (fig. 1) said sent image data.

Regarding claim 13, Blumberg further discloses the product production system as claimed in claim 1, wherein: said identification information is given to the customer in exchange for receiving the image data; and said image data storing unit instructs said first terminal to display the image data by an input of said identification information (tracking number, par. 116 and par. 149) from said first terminal.

Regarding claims 14-15, Blumberg further discloses the product production system as claimed in claim 1, wherein said identification information input unit issues said order information (par. 116 and par. 149) when the image data is input by said image data input unit.

Regarding claim 16, Blumberg further discloses the product production system as claimed in claim 1, wherein: said order information input unit has a means for inputting a priority condition relating to a production of the product as said order information; and said production unit defines a priority order for producing the product during production of a plurality of the products based on said priority condition (par. 39-40 and par. 147) included in said order information and produces the product based on said priority order.

Regarding claims 17, 19-21, and 24 please see claims 1-2, 9-13, 15-16 above and combination thereof for rejection rationale/basis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumberg as described in claim 1 above, and in view of Mori (U.S. 6089765).

Regarding claims 3-4, Blumberg does not expressly teach wherein said order information storing unit has order expiry date information defining a term to store said order information, and said order information is authenticated by extending the term determined by said order expiry date information when said identification information is input.

Mori, in the same field of endeavor for printing system for producing print product, teaches order information storing unit has order expiry date information defining a term to store said order information (computer 20 also serves as a print server for storing print order expiry date, fig. 1, col. 2, lines 56-67, col. 3, lines 60-67 to col. 4, lines 1-15 and col. 11, lines 18-31), and said order information is authenticated by extending (cols. 13-14) the term determined by said order expiry date information when said identification information is input.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Blumberg as per teachings of Mori because of a following reason: (1) deleting reserved print order at predetermined amount of time to allocate memory space if the expiration date of print order is not extended.

Therefore, it would have been obvious to combine Blumberg with Mori to obtain the invention as specified in claim 3-4.

5. Claims 5, 8, 18, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumberg as described in claim 1, 17 and/or 20 above, and in view of Walker et al (U.S. 5970478).

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Regarding claims 5, 8, 18, 22-23, Blumberg does not explicitly disclose wherein the product production system further comprising a risk ratio calculating unit for calculating a risk ratio that occurs at the time of producing the product and for outputting alert information, wherein said production unit starts producing the product in a condition that said alert information is lifted.

Walker, in the same field of endeavor, teaches the product production system further comprising a risk ratio calculating unit for calculating a risk ratio (calculating price risk based on customer's credit history, col. 9-10) that occurs at the time of producing the product and for outputting alert information, wherein said production unit starts producing the product in a condition that said alert information is lifted.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Blumberg as per teachings of Walker because of a following reason: (1) to prevent faulty purchase by an individual with bad/poor purchase history.

Therefore, it would have been obvious to combine Blumberg with Walker to obtain the invention as specified in claims 5, 8, 18, 22-23.

Allowable Subject Matter

6. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: risk ratio calculating unit calculates a credibility relating to a purchase of the product made by the customer from said information relating to the customer associated with said customer identification information, calculates said risk ratio based on said credibility, and outputs said alert information when said risk ratio is above a predetermined value, and said information relating to the customer comprises history information relating to a purchase history of the

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product of the customer; and said risk ratio calculating unit calculates said credibility based on said purchase history of the customer.

Conclusion

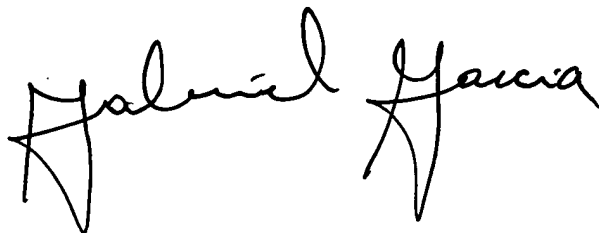
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham

TP

A handwritten signature in black ink, appearing to read 'Gabriel Garcia', with a stylized, cursive script.

GABRIEL GARCIA
PRIMARY EXAMINER